



05-27-08

DPW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken Gardner
Serial No.: 10/633,075
Filed: 08/01/2003
For: Support for Survey Rod
Confirmation No.: 4241
Group Art Unit: 3632
Examiner: Gwendolyn Wrenn Baxter
Customer No.: 31198
Attorney Docket No.: PGARDK-S

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

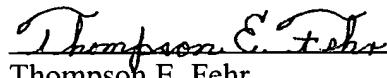
Express Mail Label No. EB908333295US

Date of Deposit: May 23, 2008

I hereby certify that the following attached

Petition to Withdraw Holding of Abandonment

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Thompson E. Fehr



Express Mail Label No. EB908333295US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken Gardner
Serial No.: 10/633,075
Filed: 08/01/2003
For: Support for Survey Rod
Confirmation No.: 4241
Group Art Unit: 3632
Examiner: Gwendolyn Wrenn Baxter
Customer No.: 31198
Attorney Docket No.: PGARDK-S

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

The above-identified application was declared abandoned for failure to file a timely reply to the Office Action mailed on March 14, 2007.

Applicant, however, respectfully petitions under 37 CFR 1.181(1) to withdraw the holding of abandonment because the Amendment responding to the Office Action in question was timely filed.

As will appear more fully below, Applicant did not receive the Notice of Abandonment of Abandonment which asserted that the response to the Office Action was not timely and has promptly filed this Petition after learning of the Notice of Abandonment.

TIMELY FILING OF RESPONSE TO OFFICE ACTION

Enclosed herewith is a copy of a stamped postcard receipt showing that the Amendment in response to the Office Action was filed on September 14, 2007. A copy of the Amendment is accompanied by copies of the Amendment Transmittal and check no. 2192, dated 09/14/2007, showing a petition for a three-month extension of time and proper payment therefore. The

Office Action, itself, as can be seen from the file wrapper, set a three-month time for response. Consequently, the response was timely. Moreover, Applicant has printed the Transaction History of the USPTO, which shows a date of 09-14-2007 for the Amendment.

TIMELY FILING OF AMENDMENT TO WITHDRAW HOLDING OF ABANDONMENT

MPEP § 711.03(c)(1)(C) states, in pertinent part, “37 CFR 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. . . .”

Applicant’s attorney, however, did not receive the Notice of Abandonment.

When Applicant inquired about the status of the patent application because of a potential sale of rights to the invention, Applicant’s attorney checked the public PAIR system of the United States Patent and Trademark Office and learned of the Notice of Abandonment.

Noting that, as he believed, the Amendment responding to the Office Action of March 14, 2007, had, indeed, been timely filed, Applicant’s attorney immediately contacted the Patent Examiner because other Examiner’s had, when notified of such an error, corrected it *sua sponte*.

In this case, though, the Patent Examiner informed Applicant’s attorney that he would have to utilize the petition process.

Consequently, Applicant’s attorney has promptly, and without delay, prepared the present Petition.

In accordance with MPEP § 711.03(c)(1)(A), Applicant’s attorney hereby provides the following:

The Office Action of March 14, 2007, was not received at the correspondence address of record, and a search of Applicant’s attorney’s records, including any file jacket or the equivalent and the application contents, indicates that the Office Action was not received.

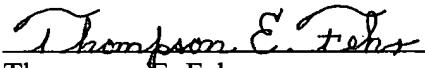
Applicant’s attorney is a sole practitioner. Consequently, his system for recording an Office Action received at the correspondence address of record with the USPTO is also the master docket for the firm.

A copy of the master docket that would show an action required to be taken within two months from the date of mailing for the Notice of Abandonment (September 25, 2007) has been enclosed herewith. The master docket contains the date (November 21, 2007, in this situation) it

was prepared, the client's name for an Office Action (from any country) that has been received, our attorney docket number, our goal date for accomplishing the task associated with the Office Action, the due date for the response to the Office Action, the date to which the response can be extended, and an identification of the necessary response.

Applicant respectfully believes that the preceding meets the USPTO's requirements for demonstration of failure to receive the Notice of Abandonment. If this is not the case, Applicant respectfully requests the Office to courteously follow the procedure available under MPEP § 711.03(c)(1)(C), *i.e.*, "Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 CFR 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

DATED this 23rd day of May, 2008.



Thompson E. Fehr
Registration No. 31353

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403

Telephone No.: (801) 393-6292

COPY OF STAMPED POSTCARD



In re application of Ken Gardner, serial no. 10/633,075, confirmation no. 4241, filed 08/01/2003, for a patent on a Support for Survey Rod, Attorney Docket No. PGARDK-S

Amendment Transmittal, dated 09/14/2007, (2 pages) together with attached check no. 2192, dated 09/14/2007, in the amount of \$510.00 to pay the fee for a 3-month extension of time

Amendment, dated 09/14/2007 (18 pages)



COPY OF AMENDMENT TRANSMITTAL



EB523408030US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken Gardner
Serial No.: 10/633,075
Filed: 08/01/2003
For: Support for Survey Rod
Confirmation No.: 4241
Group Art Unit: 3632
Examiner: Gwendolyn Wrenn Baxter
Customer No.: 31198
Attorney Docket No.: PGARDK-S

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

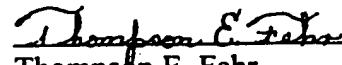
Express Mail Label No. EB523408030US

Date of Deposit: September 14, 2007

I hereby certify that the following attached

Amendment Transmittal

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Thompson E. Fehr



Express Mail Label No. EB523408030US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken Gardner
Serial No.: 10/633,075
Filed: 08/01/2003
For: Support for Survey Rod
Confirmation No.: 4241
Group Art Unit: 3632
Examiner: Gwendolyn Wrenn Baxter
Customer No.: 31198
Attorney Docket No.: PGARDK-S

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

Status

2. Applicant is a small entity. A statement claiming small entity status was already filed.

Extension of Term

3. The proceedings herein are for a patent application, and the provisions of 37 CFR 1.136 apply. Applicant petitions for an extension of time under 37 CFR (fees: 37 CFR 1.17(a)(1)-(a)(5)) for a total of three months.

The fee for this extension is \$510.00.

Fee for Claims

4. There are now no more independent claims and no more total claims than were in the application as originally filed.

Therefore, no additional fee is due.

Fee Payment

5. Attached is a check in the sum of \$510.00.

DATED this 14th day of September, 2007.

Thompson E. Fehr
Thompson E. Fehr
Registration No. 31353

Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403

Telephone No.: (801) 393-6292

COPY OF CHECK NO. 2192

FEHR LAW FIRM
Goldenwest Corporate Center
Suite 300
5025 Adams Avenue
Ogden, Utah 84403
801-393-6292

WWW.WELLSFARGO.COM
31-29711240

PAY TO THE
ORDER OF Commissioner for Patents

9/14/2007

\$ 510.00

Five Hundred Ten and 00/100

DOLLARS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

VOID AFTER 180 DAYS

MEMO:

PGARDK-S

Thompson E. Fultz

FEHR LAW FIRM

2192

Commissioner for Patents

9/14/2007

510.00

PGARDK-S N/C to client

Wells Fargo - Operati PGARDK-S

510.00

FEHR LAW FIRM

2192

Commissioner for Patents

9/14/2007

510.00

PGARDK-S N/C to client

Wells Fargo - Operati PGARDK-S

510.00

COPY OF AMENDMENT



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken Gardner
Serial No.: 10/633,075
Filed: 08/01/2003
For: Support for Survey Rod
Confirmation No.: 4241
Group Art Unit: 3632
Examiner: Gwendolyn Wrenn Baxter
Customer No.: 31198
Attorney Docket No.: PGARDK-S

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

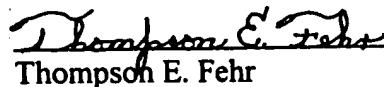
Express Mail Label No. EB523408030US

Date of Deposit: September 14, 2007

I hereby certify that the following attached

Amendment

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Thompson E. Fehr



Express Mail Label No. EB523408030US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ken Gardner
Serial No.: 10/633,075
Filed: 08/01/2003
For: Support for Survey Rod
Confirmation No.: 4241
Group Art Unit: 3632
Examiner: Gwendolyn Wrenn Baxter
Customer No.: 31198
Attorney Docket No.: PGARDK-S

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

This paper is presented in response to the Office action mailed on March 14, 2007.

Please, amend the above-entitled application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2

of this paper.

Remarks/Arguments begin on page 17 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (canceled)

Claim 2 (canceled)

Claim 3 (previously presented): A support for a survey rod, which comprises:

a grip containing an aperture;

a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip;

a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip;

a first spring rod having a first end and a second end with the second end of said first spring rod attached to said first leg below the point of rotation for said first leg;

a second spring rod having a first end and a second end with the second end of said second spring rod attached to said second leg below the point of rotation for said second leg; and

a collar having an aperture and also a releasable fastener, said collar being attached to the first end of said first spring rod and to the first end of said second spring rod with the second end of said first spring rod being farther from an axis running between said collar and said grip than is the first end of said first spring rod and with the

second end of said second spring rod being farther from the axis running between said collar and said grip than is the first end of said second spring rod.

Claim 4 (original): The support for a survey rod as recited in claim 3, wherein:

 said first spring rod is resilient; and

 said second spring rod is resilient.

Claim 5 (previously presented): The support for a survey rod as recited in claim 4, wherein:

 attachment of said first spring rod to said first leg is a rotatable attachment; and

 attachment of said second spring rod to said second leg is a rotatable attachment.

Claim 6 (previously presented): The support for a survey rod as recited in claim 5, wherein:

 the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

 the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 7 (previously presented): The support for a survey rod as recited in claim 4, wherein:

 the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

 the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 8 (previously presented): The support for a survey rod as recited in claim 3, wherein:

attachment of said first spring rod to said first leg is a rotatable attachment; and attachment of said second spring rod to said second leg is a rotatable attachment.

Claim 9 (previously presented): The support for a survey rod as recited in claim 8, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 10 (previously presented): The support for a survey rod as recited in claim 3, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 11 (previously presented): The support for a survey rod as recited in claim 3, wherein:

said first spring rod is rigid; attachment of said first spring rod to said first leg is a rotatable attachment; attachment of said first spring rod to said collar is a rotatable attachment;

said second spring rod is rigid;
 attachment of said second spring rod to said second leg is a rotatable attachment;
and

 attachment of said second spring rod to said collar is a rotatable attachment.

Claim 12 (previously presented): A support for a survey rod, which comprises:

 a grip containing an aperture;

 a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip and also with the first end of said first leg having a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting the extension of said first leg;

 a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip and also with the first end of said second leg having a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting the extension of said second leg;

 a first resilient spring rod having a first end and a second end with the second end of said first resilient spring rod rotatably attached to said first leg below the point of rotation for said first leg;

 a second resilient spring rod having a first end and a second end with the second end of said second resilient spring rod rotatably attached to said second leg below the point of rotation for said second leg; and

 a collar having an aperture and also a releasable fastener, said collar being attached to the first end of said first resilient spring rod and to the first end of said second resilient spring rod with the second end of said first spring rod being farther from an axis

running between said collar and said grip than is the first end of said first spring rod and with the second end of said second spring rod being farther from the axis running between said collar and said grip than is the first end of said second spring rod.

Claim 13 (original): A support for a survey rod, which comprises:

a grip containing an aperture;

a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip;

a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip;

a first rigid spring rod having a first end and a second end with the second end of said first rigid spring rod rotatably attached to said first leg below the point of rotation for said first leg;

a second rigid spring rod having a first end and a second end with the second end of said second rigid spring rod attached to said second leg below the point of rotation for said second leg; and

a collar having an aperture and also a releasable fastener, said collar being rotatably attached to the first end of said first rigid spring rod and to the first end of said second rigid spring rod with the second end of said first spring rod being farther from an axis running between said collar and said grip than is the first end of said first spring rod and with the second end of said second spring rod being farther from the axis running between said collar and said grip than is the first end of said second spring rod.

Claims 14-23 (canceled)

Claim 24 (previously presented): A support in combination with a survey rod, which comprises:

a survey rod;

a grip slidably mounted on said survey rod;

a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip;

a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip;

a first spring rod having a first end and a second end with the second end of said first spring rod attached to said first leg below the point of rotation for said first leg;

a second spring rod having a first end and a second end with the second end of said second spring rod attached to said second leg below the point of rotation for said second leg; and

a collar attached to said survey rod below said grip, said collar also being attached to the first end of said first spring rod and to the first end of said second spring rod with the second end of said first spring rod being farther from an axis running between said collar and said grip than is the first end of said first spring rod and with the second end of said second spring rod being farther from the axis running between said collar and said grip than is the first end of said second spring rod.

Claim 25 (previously presented): The support in combination with a survey rod as recited in claim 24, wherein:

said first spring rod is resilient; and

said second spring rod is resilient.

Claim 26 (previously presented): The support in combination with a survey rod as recited in claim 25, wherein:

attachment of said first spring rod to said first leg is a rotatable attachment; and attachment of said second spring rod to said second leg is a rotatable attachment.

Claim 27 (previously presented): The support in combination with a survey rod as recited in claim 26, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 28 (previously presented): The support in combination with a survey rod as recited in claim 25, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 29 (previously presented): The support in combination with a survey rod as recited in claim 24, wherein:

attachment of said first spring rod to said first leg is a rotatable attachment; and attachment of said second spring rod to said second leg is a rotatable attachment.

Claim 30 (previously presented): The support in combination with a survey rod as recited in claim 29, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and
the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 31 (previously presented): The support in combination with a survey rod as recited in claim 24, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and
the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 32 (previously presented): The support in combination with a survey rod as recited in claim 24, wherein:

said first spring rod is rigid;
attachment of said first spring rod to said first leg is a rotatable attachment;
attachment of said first spring rod to said collar is a rotatable attachment;
said second spring rod is rigid;
attachment of said second spring rod to said second leg is a rotatable attachment;
and
attachment of said second spring rod to said collar is a rotatable attachment.

Claim 33 (previously presented): The support in combination with a survey rod as recited in claim 24, wherein:

the attachment of said collar to said survey rod is releasable.

Claim 34 (previously presented): The support in combination with a survey rod as recited in claim 33, wherein:

said first spring rod is resilient; and

said second spring rod is resilient.

Claim 35 (previously presented): The support in combination with a survey rod as recited in claim 34, wherein:

attachment of said first spring rod to said first leg is a rotatable attachment; and

attachment of said second spring rod to said second leg is a rotatable attachment.

Claim 36 (previously presented): The support in combination with a survey rod as recited in claim 35, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 37 (previously presented): The support in combination with a survey rod as recited in claim 34, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 38 (previously presented): The support in combination with a survey rod as recited in claim 33, wherein:

attachment of said first spring rod to said first leg is a rotatable attachment; and

attachment of said second spring rod to said second leg is a rotatable attachment.

Claim 39 (previously presented): The support in combination with a survey rod as recited in claim 38, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 40 (previously presented): The support in combination with a survey rod as recited in claim 33, wherein:

the first end of said first leg has a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg; and

the first end of said second leg has a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg.

Claim 41 (previously presented): The support in combination with a survey rod as recited in claim 33, wherein:

 said first spring rod is rigid;

 attachment of said first spring rod to said first leg is a rotatable attachment;

 attachment of said first spring rod to said collar is a rotatable attachment;

 said second spring rod is rigid;

 attachment of said second spring rod to said second leg is a rotatable attachment;

and

 attachment of said second spring rod to said collar is a rotatable attachment.

Claims 42-43 (canceled)

Claim 44 (previously presented): A support in combination with a survey rod, which comprises:

 a survey rod;

 a grip slidably mounted on said survey rod;

 a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip and also with the first end of said first leg having a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg;

 a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip and also with the first end of said second leg having a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg;

a first resilient spring rod having a first end and a second end with the second end of said first resilient spring rod rotatably attached to said first leg below the point of rotation for said first leg;

a second resilient spring rod having a first end and a second end with the second end of said second resilient spring rod rotatably attached to said second leg below the point of rotation for said second leg; and

a collar attached to said survey rod below said grip, said collar also being attached to the first end of said first resilient spring rod and to the first end of said second resilient spring rod with the second end of said first spring rod being farther from said survey rod than is the first end of said first spring rod and with the second end of said second spring rod being farther from said survey rod than is the first end of said second spring rod.

Claim 45 (previously presented): A support in combination with a survey rod, which comprises:

a survey rod;

a grip slidably mounted on said survey rod;

a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip;

a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip;

a first rigid spring rod having a first end and a second end with the second end of said first rigid spring rod rotatably attached to said first leg below the point of rotation for said first leg;

a second rigid spring rod having a first end and a second end with the second end of said second rigid spring rod rotatably attached to said second leg below the point of rotation for said second leg; and

a collar attached to said survey rod below said grip, said collar also being rotatably attached to the first end of said first rigid spring rod and to the first end of said second rigid spring rod with the second end of said first spring rod being farther from said survey rod than is the first end of said first spring rod and with the second end of said second spring rod being farther from said survey rod than is the first end of said second spring rod.

Claim 46 (previously presented): A support in combination with a survey rod, which comprises:

a survey rod;

a grip slidably mounted on said survey rod;

a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip and also with the first end of said first leg having a bevel that rotates toward and eventually against said grip as said first leg is extended, thereby limiting extension of said first leg;

a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip and also with the first end of said second leg having a bevel that rotates toward and eventually against said grip as said second leg is extended, thereby limiting extension of said second leg;

a first resilient spring rod having a first end and a second end with the second end of said first resilient spring rod rotatably attached to said first leg below the point of rotation for said first leg;

a second resilient spring rod having a first end and a second end with the second end of said second resilient spring rod rotatably attached to said second leg below the point of rotation for said second leg; and

a collar releasably attached to said survey rod below said grip, said collar also being attached to the first end of said first resilient spring rod and to the first end of said second resilient spring rod with the second end of said first spring rod being farther from said survey rod than is the first end of said first spring rod and with the second end of said second spring rod being farther from said survey rod than is the first end of said second spring rod.

Claim 47 (previously presented): A support in combination with a survey rod, which comprises:

a survey rod;

a grip slidably mounted on said survey rod;

a first leg having a first end and a second end with the first end of said first leg rotatably attached at a point of rotation to said grip;

a second leg having a first end and a second end with the first end of said second leg rotatably attached at a point of rotation to said grip;

a first rigid spring rod having a first end and a second end with the second end of said first rigid spring rod rotatably attached to said first leg below the point of rotation for said first leg;

a second rigid spring rod having a first end and a second end with the second end of said second rigid spring rod rotatably attached to said second leg below the point of rotation for said second leg; and

a collar releasably attached to said survey rod below said grip, said collar also being rotatably attached to the first end of said first rigid spring rod and to the first end of said second rigid spring rod with the second end of said first spring rod being farther from said survey rod than is the first end of said first spring rod and with the second end of said second spring rod being farther from said survey rod than is the first end of said second spring rod.

REMARKS/ARGUMENTS

35 U.S.C. § 102

The Examiner has rejected claims 14 through 16, 19, 22, 23, and 43 under 35 U.S.C. § 102. Although respectfully not agreeing with the reasoning, Applicant has canceled claims 14 through 16, 19, 22, 23, and 43.

35 U.S.C. § 103

The Examiner has rejected claims 17, 18, 20, 21, and 42 under 35 U.S.C. § 103(a). Although respectfully not agreeing with the reasoning, Applicant has canceled claims 17, 18, 20, 21, and 42.

The Examiner has courteously allowed all the remaining claims, *viz.*, claims 3 through 13, 24 through 41, and 44 through 47.

Consequently, Applicant respectfully requests that a Notice of Allowance be issued for claims 3 through 13, 24 through 41, and 44 through 47.

DATED this 14th day of September, 2007.

Respectfully,

Ken Gardner

By Thompson E. Fehr
Thompson E. Fehr
Attorney
Registration No. 31353
(801) 393-6292

Attorney's Address:

**Suite 300
Goldenwest Corporate Center
5025 Adams Avenue
Ogden, Utah 84403**

COPY OF TRANSACTION HISTORY



Portal Home | Patents | Trademarks | Other

Patent eBusiness

- [+ Electronic Filing](#)
- [+ Patent Application Information \(PAIR\)](#)
- [+ Patent Ownership](#)
- [+ Fees](#)
- [+ Supplemental Resources & Support](#)

Patent Information

- [Patent Guidance and General Info](#)
- [+ Codes, Rules & Manuals](#)
- [+ Employee & Office Directories](#)
- [+ Resources & Public Notices](#)

Patent Searches

- [Patent Official Gazette](#)
- [+ Search Patents & Applications](#)
- [+ Search Biological Sequences](#)
- [+ Copies, Products & Services](#)

Other

- [Copyrights](#)
- [Trademarks](#)
- [Policy & Law Reports](#)

- □ Patent Application Information Retrieval

[i Order Certified Application As Filed](#) [Order Certified File Wrapper](#) [View Order List](#)

10/633,075

Support for survey rod



Select New Case	Application Data	Transaction History	Image File Wrapper	Published Documents	Address & Attorney/Agent
-----------------	------------------	---------------------	--------------------	---------------------	--------------------------

Transaction History

Date Transaction Description

09-25-2007	Mail Abandonment for Failure to Respond to Office Action
09-14-2007	Untimely (Late) Amendment Filed
09-17-2007	Abandonment for Failure to Respond to Office Action
03-14-2007	Mail Non-Final Rejection
03-05-2007	Non-Final Rejection
12-22-2006	Date Forwarded to Examiner
11-28-2006	Response after Non-Final Action
11-28-2006	Request for Extension of Time - Granted
06-28-2006	Mail Non-Final Rejection
06-26-2006	Non-Final Rejection
04-12-2006	Date Forwarded to Examiner
04-05-2006	Response after Non-Final Action
04-05-2006	Request for Extension of Time - Granted
10-05-2005	Mail Non-Final Rejection
10-03-2005	Non-Final Rejection
04-21-2005	Date Forwarded to Examiner
04-07-2005	Response after Non-Final Action
04-07-2005	Request for Extension of Time - Granted
10-07-2004	Mail Non-Final Rejection
10-01-2004	Non-Final Rejection
06-10-2004	IFW TSS Processing by Tech Center Complete
06-10-2004	Case Docketed to Examiner in GAU
05-14-2004	Application Return from OIPE
05-14-2004	Application Return TO OIPE
05-14-2004	Application Dispatched from OIPE
05-14-2004	Application Is Now Complete
04-30-2004	Additional Application Filing Fees
04-30-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic
10-30-2003	Notice Mailed--Application Incomplete--Filing Date Assigned
10-20-2003	Cleared by OIPE CSR
09-09-2003	IFW Scan & PACR Auto Security Review
08-01-2003	Initial Exam Team nn

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please

report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the webmaster@uspto.gov. While we cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

[Home](#) | [Site Index](#) | [Search](#) | [eBusiness](#) | [Help](#) | [Privacy Policy](#)

**COPY OF MASTER DOCKET
DATED NOVEMBER 21, 2007**

11/21/07					
Client Name	Docket#	Goal Date	Due Date	\$ Ext Date \$	
Ralph Norman	PNORMV3SB-D	8/21/2007	8/29/2007	12/29/2007	Missing parts
Ralph Norman	PNORMVW-D	8/21/2007	8/29/2007	12/29/2007	Missing Parts
Ralph Norman	PNORMVW	8/21/2007	9/11/2007	1/11/2008	Missing parts
Paul Budge	PBUDPL	8/25/2007	8/25/2007	11/25/2007	Office Action
Tom Allen	PALLNT	9/15/2007	10/3/2007	1/3/2008	Office Action
Ralph Norman	PNORMD	9/20/2007	11/21/2007	11/21/2007	Fees due
Boman & Kemp	PBOOKER	9/23/2007	10/23/2007	2/23/2008	Notice of Non-Compliant Appeal Brief
Ralph Norman	PNORMSAA-D	10/1/2007	10/14/2007	2/14/2008	Missing Parts
Ralph Norman	PNORMSAD-D	10/1/2007	10/14/2007	2/14/2008	Missing Parts
Kelly, Hart & Hallman	LSSFDC	10/1/2007			Write Letter
S&S	PCHEDB	10/1/2007			Patent Expiration
Oceana	POCEAS	10/8/2007	12/21/2007	3/21/2008	Office Action
Rich Porter	Litigation	10/9/2007			Letter to Rich
Privacylink	PHOGWS	10/11/2007	10/24/2007	2/24/2008	Missing Parts
EFP	PBEPHD	10/24/2007	2/10/2008	2/10/2008	Maintenance fee
Jo Ann Parker	PPARKJ-GC	10/31/2007	12/10/2007	12/10/2007	Notice of eligibility Fees due
David Gray	PGRACT	11/5/2007	11/28/2007	11/28/2007	Office Action/Notice of Abandonment
Bill Bolick	PBOLIWC	11/9/2007	11/9/2007	12/9/2007	non-compliant appeal brief
Brett Siddoway	PSIDD-C-D	11/11/2007	12/11/2007	1/11/2008	Notice of Allowance/Fees Due
Applied Nanoscienc	PANALLNT-PCT	11/15/2007	12/15/2007	12/15/2007	PCT Office Action
Nolan Brooks	PBROOT	11/15/2007	12/15/2007	12/15/2007	Office Action/Notice of Abandonment
Clark Gates	PGATEC-EBPCT	11/15/2007	12/19/2007	3/19/2008	Office Action
Oceana	POCEAWC	11/15/2007			Assignment Documents
Sharon Tarnutzer	TANK-BMU & AGI	11/15/2007			Letter to Addie Kather
Rick Fuhriman		11/17/2007	2/17/2008	2/17/2008	Maintenance fee
Todd Schenck	Skank TM	11/20/2007	6/18/2008	12/18/2008	\$8 & \$15 filing
Applied Nanoscienc	PANHNA-A	11/30/2007	3/1/2008	10/1/2008	Response to Examiner's 1st report
Troy Pribbanow	PPRIGC	12/9/2007	12/9/2007	1/9/2008	Notice of Abandonment/Office Action
Clark Gates	PGATEC-EB-O	12/11/2007	1/11/2008	4/11/2008	Claims/Drawings
Boman & Kemp	PBOOKGW	12/15/2007	1/1/2008	5/1/2008	File Corrected Application Papers
Privacylink	PHOGVW	12/16/2007	1/16/2008	1/16/2008	Missing parts/Notice of Abandonment
Larry Simpson	PSIMPL	12/17/2007			Billing issues
Ray Epps	PEPPRSS-PCT	12/26/2007	12/28/2007	12/28/2007	PCT
Ralph Norman	PNORMVW-D-C	1/1/2008	1/1/2008	1/1/2008	Marks & Clerk-Check their analysis
Ralph Norman	PNORMV3SB-D-C	1/1/2008	1/1/2008	1/1/2008	Marks & Clerk-Check their analysis
Del Gray	PGRAYD	1/1/2008	2/1/2008	5/1/2008	Office Action
Doug Dynes	TDYNDAC	2/4/2008	3/4/2008	3/4/2008	Statement of Use
Doug Dynes	TDYNDACP	2/4/2008	3/4/2008	3/7/2008	Statement of Use